

(iii) *Nuclear nonproliferation certification.* If you are requesting the export or reexport under the EAR of items controlled for nuclear nonproliferation reasons described in § 744.2(a) of the EAR, prior to submitting an SCL application, you must obtain a signed written statement on company letterhead from the proposed consignee(s) and end-user(s) certifying the following:

(A) The items to be exported or replicas thereof ("replicas" refer to items produced abroad based on physical examination of the items originally exported, matching it in all critical design and performance parameters), will not be used in any of the activities described in § 744.2 of the EAR; and

(B) Written authorization will be obtained from BXA prior to transferring or reexporting the items, unless they are destined to Canada or would not require a license to the new country of destination.

[61 FR 12835, Mar. 25, 1996, as amended at 61 FR 64285, Dec. 4, 1996; 62 FR 25463, May 9, 1997]

#### § 752.6 Reexports.

(a) *Authorized reexports.* All consignees may reexport items without approval from BXA under any one of the following circumstances, unless otherwise specifically excluded by the provisions of the EAR or by a condition placed on your SCL.

(1) Reexports that qualify for a License Exception authorized by part 740 of the EAR;

(2) Reexports to destinations approved by BXA through validation of Form BXA-752 and/or Form BXA-752-A according to the terms stated on the Form BXA-752 or BXA-752-A; or

(3) Reexports of items approved under an SCL to and among other consignees approved on the same SCL, provided that the items are eligible to the new destination in accordance with your approved SCL and § 752.3 of this part.

(b) *Prohibitions.* You are prohibited from the following activities without specific authorization from BXA:

(1) Transferring, reselling, or reexporting under your SCL any chemicals or chemical equipment identified with the letters "CB" in the applicable "Reason for Control" paragraph on the

CCL (see Supplement No. 1 to part 774 of the EAR); and

(2) Reexporting under your SCL items identified by the letters NP in the applicable "Reason for Control" paragraph on the CCL to destinations not listed in country group A:4 (see Supplement No. 1 to part 740).

(c) *Sourcing.* Consignees who obtain U.S.-origin items abroad that are eligible for the SCL but that are subject to General Prohibitions One, Two, or Three (see part 734 of the EAR) may reexport them under the authority of your SCL, provided that they are reexported in accordance with the ICP required by § 752.11 of this part, and any other applicable conditions or reexport restriction placed on your SCL by BXA. Either the SCL holder or the consignee through the SCL holder must submit the sourcing request for reexport of items on Form BXA-752.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25464, May 9, 1997]

#### § 752.7 Direct shipment to customers.

(a) *General authorization.* (1) Upon request by a consignee, an SCL holder or another consignee approved under the same SCL is authorized to deliver products directly to the requesting consignee's customer in either:

(i) The requesting consignee's country; or

(ii) Another country authorized to receive items under the requesting consignee's validated Form BXA-752-A.

(2) The SCL holder or consignee making direct shipments authorized by this section must implement an ICP containing procedures governing such shipments.

(3) SCL holders and consignees using the direct shipment provision may invoice the shipments directly to the requesting consignee's customers if copies of applicable invoices are maintained by both the shipping party and requesting consignee.

(b) *Procedures—(1) Exports by an SCL holder.* The SCL holder may make a direct shipment by entering on the Shipper's Export Declaration the name and address of the customer as ultimate consignee and adding the notation "by order of (name and address of consignee requesting the direct shipment)". The notation must appear below the item